

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**JAMES MCCULLOUGH,**

**Plaintiff,**

**v.**

**Civil Action 2:11-cv-977**

**JUDGE GREGORY L. FROST**

**Magistrate Judge Elizabeth P. Deavers**

**MICHAEL J. ASTRUE,  
COMMISSIONER OF SOCIAL SECURITY,**

**Defendant.**

**ORDER**

This matter is before the Court for consideration of the United States Magistrate Judge's February 19, 2013 Report and Recommendation. (ECF No. 16.) The Magistrate Judge recommended that the Court overrule Plaintiff's Statement of Errors and affirm the Commissioner's decision denying Plaintiff's applications for social security disability insurance benefits and supplemental security income.

The Report and Recommendation advises the parties that the failure to object to the within fourteen days results in a "waiver of the right to have the district judge review the Report and Recommendation *de novo*." (Report and Recommendation 29-30, ECF No. 16.) The time period for filing objections to the Report and Recommendation has expired. Neither party has objected.

The Court has reviewed the Report and Recommendation. Noting that no objections have been filed and that the time for filing such objections expired, the Court **ADOPTS** the Report and Recommendation. Accordingly, Plaintiff's Statement of Errors is **OVERRULED**

and the decision of the Commissioner denying Plaintiff's applications for benefits is

**AFFIRMED.**

**IT IS SO ORDERED.**

/s/ Gregory L. Frost  
**GREGORY L. FROST**  
**UNITED STATES DISTRICT JUDGE**